

AMENDMENTS TO THE DRAWINGS

The attached sheet of a drawing includes added Figure 11. In Figure 11, lanyard 46 is shown “connected to the receiver portion 14 so that the sealing portion 42 may be coupled to the receiver portion 14,” as described in the originally filed Specification at paragraph [0028].

Attachments: Additional Drawing Sheet (1 pg).

REMARKS/ARGUMENTS

Claims 23, 25-33, and 35-42 are pending in the application. Claims 23, 26, 33, 36, and 40 have been amended and claims 24 and 34 have been canceled. For at least the reasons stated below, Applicants assert that all claims now are in condition for allowance.

Objections to the Drawings

The drawings were objected to under 37 CFR 1.83(a) for failure to show every feature of the invention specified in the claims. Specifically, Examiner asserts that “lanyard (46) connected to the receiver portion (14) must be shown or the feature canceled from the claim(s).” Added Figure 11 shows lanyard 46 connected to the receiver portion 14, and thus the objection is now moot.

Rejection under 35 U.S.C. 112, First Paragraph

Claims 23-42 were rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. Specifically, claims 23, 33, and 40 have been amended, and this rejection is now moot.

Rejection under 35 U.S.C. 102

Claims 23-25, 29-31, 33-35, and 39-42 were rejected under 35 U.S.C. 102(b) as being anticipated by Japanese Patent (8-258851). The reference does not teach each and every limitation of independent claims 23, 33, and 40, and for at least this reason Applicants respectfully request withdrawal of this rejection.

Each of independent claims 23, 33, and 40 recite lugs on the receiver portion “that project generally outwardly and downwardly from the receiver portion provided at a location that is spaced apart from the opening and is prior to the ridges, the lugs providing a gripping surface.” In unambiguous contrast, the Japanese patent fails to describe lugs that satisfy these limitations. Specifically, “knob sections” 71 of the Japanese patent, shown in Figure 8, clearly project upwardly from base 22, not downwardly as claimed. Moreover, “knob sections” 71 are not

located “spaced apart from the opening” or “prior to the ridges” as claimed, but rather “knob sections 71” directly abut the edges that bracket the opening into slot 23, as seen in Figure 8.

Moreover, with respect to the limitation that requires the lugs to project generally downwardly, merely rotating the base 22 of the Japanese patent to achieve a “downward” direction for “knob sections” 71 would not satisfy this limitation. Rather, the Specification of the present invention discloses a variety of lug configurations, for which “upwardly” and “downwardly” projecting have specific meanings. For instance, with reference to Figure 1, the specification describes the lugs shown therein as “extend[ing] outwardly from the opening 18 and generally upwardly from the ridges 19.” Specification, ¶ [0021]. In contrast, with reference to Figure 2B, the specification describes the lugs shown therein as “extend[ing] downwardly from the receiver portion 14.” Specification, ¶ [0021]. In this light, it can be seen that “upwardly” projecting (*e.g.*, Figure 1) and “downwardly” projecting (*e.g.*, Figure 2B) have specific meanings, and the claimed “downwardly” projecting is not disclosed by the Japanese patent.

For at least these reasons, the Japanese patent does not teach each and every limitation of claims 23-25, 29-31, 33-35, and 39-42, and Applicants respectfully assert that these claims are allowable and request that the 35 U.S.C. 102(b) rejection be withdrawn.

Rejection under 35 U.S.C. 103

A. Japanese Patent in view of U.S. Application

Claims 26, 32 and 36 were rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese Patent (8-258851) in view of U.S. Application No. 2003/0188510. Applicants assert these claims are allowable as depending from allowable claims. Applicants further assert that the combined references do not teach or suggest all of the claimed limitations of claims 26 and 36, and for at least this reason Applicants respectfully request withdrawal of this rejection.

Dependent claims 26 and 36 recite a handle of the receiver portion that “extends outwardly and upwardly from the receiver portion.” *See, e.g.*, Figure 4. Examiner acknowledges that the Japanese patent does not disclose a handle but instead relies on U.S. Application No.

2003/0188510 as teaching the handle. However, this publication only describes a handle that extends outwardly but not upwardly. *See* Figure 2; *see, also*, ¶ [0010] (describing handle means 16 with “an elongated planar member 18 integrally formed...such that the elongated planar member 18 is generally tangential to the elongated C-shaped clamp member 14.”). Neither the U.S. publication, alone or in combination with the Japanese patent, teaches or suggests a handle that extends upwardly as claimed.

B. Japanese Patent

Claims 27-28 and 37-38 were rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese Patent (8-258851). Because the reference fails to teach or suggest all of the claimed limitations of claims 27, 28, 37, and 38, Applicants respectfully request withdrawal of these rejections.

Claims 27 recites “an opening that extends along a length of the sealing portion and a lanyard that extends through the opening,” and claim 37 recites “an opening that extends along a length of the sealing portion and a lanyard formed into a loop that extends through the opening.” The Japanese patent clearly fails to teach or suggest a lanyard extending through an opening in part 21. Indeed, Examiner acknowledges, “Japanese Patent does not disclose expressly that the lanyard extends through the opening of the sealing portion. Instead, Examiner argues:

At the time the invention was made, it would have been an obvious matter of design choice to a person of ordinary skill in the art to extend the lanyard through the opening because Applicant has not disclosed that by extending the lanyard through the opening provides an advantage, is used for a particular purpose, or solves a stated problem.

Applicants respectfully disagree. Not only does extending the lanyard through an opening in the sealing portion as claimed have various uses, at least some of those uses are explicitly disclosed: “A lanyard 46...may be used as a hanger or handle so that the bag...may be hand-carried, or retained on a supporting hook...when a bag is retained by the sealing apparatus.” Specification, ¶ [0028].

Claims 28 and 38 recite “the lanyard is further coupled to the receiver portion.” Again, the Japanese patent clearly fails to teach or suggest this limitation. Examiner argues:

One of ordinary skill in the art, furthermore, would have expected Applicant’s invention to perform equally well with the lanyard (61) [of the Japanese Patent] attached to the sealing member and receiving portion as disclosed in the Japanese Patent or the claimed lanyard extends through the opening of the sealing portion because both lanyards perform the same function to prevent lost of either the receiving portion or sealing portion...

Again, Applicants respectfully disagree. First, the “function” of the lanyard, as described above and in the Specification, may provide a hanger or handle. Configuring the lanyard to be coupled to the receiver portion, as recited in claims 28 and 38, avoids misplacing the receiver portion; while this “coupling” is useful, it is not necessarily the exclusive “function” of the lanyard. Second, the connector 61 in the Japanese patent would clearly not “perform equally well” as the lanyard of the present invention. As described, the lanyard of the present invention may provide a functional hanger or handle. In contrast, connector 61 is configured such that if it were used to carry the sealing clip of the Japanese patent, connector 61 would tug at part 21, to which connector 61 is connected, thereby increasing the likelihood that part 21 and base 22 would become unintendedly disengaged. This shortcoming is not present in the claimed configuration of claims 27, 28, 37, and 38 because any tension exerted on that lanyard when used to carry the sealing apparatus of the present invention would be born on sealing portion through which the lanyard extends.

For at least these reasons, the Japanese patent fails to teach or suggest the limitations of claims 27, 28, 37, and 38, and Applications respectfully request that the 35 U.S.C. 103(a) be withdrawn.

CONCLUSION

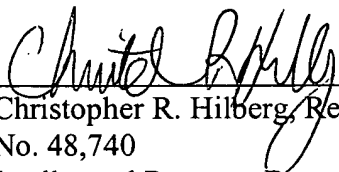
This application now stands in allowable form and reconsideration and allowance is respectfully requested.

The Commissioner is hereby authorized to charge any deficiencies or credit any overpayments to Deposit Account No. 04-1420.

Respectfully submitted,

DORSEY & WHITNEY LLP
Customer Number 25763

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By: 
Christopher R. Hilberg, Reg.
No. 48,740
Intellectual Property Department
Suite 1500
50 South Sixth Street
Minneapolis, MN 55402-1498
(612) 492-6694